

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

JAMES RIVER EQUIPMENT, VIRGINIA, LLC,

Plaintiff,

v.

CIVIL ACTION NO. 5:13-cv-28160

JUSTICE ENERGY COMPANY, INC.,

Defendant.

**ORDER**

The Court has reviewed the *Defendant Justice Energy Company, Inc.'s Written Statement Pursuant to Court's Order* (Document 64), wherein the Defendant advised the Court that it is now in compliance with the terms of the Court's May 22, 2015 *Order*. The Court has also reviewed the *Joint Motion to Stay Action* (Document 62), wherein the parties advised the Court that they have agreed to a settlement of the Court's January 21, 2014 *Order* (Document 11), under which the Defendant agreed to pay the Plaintiff the sum of \$180,000, in six monthly installments of \$30,000, beginning on November 1, 2015.<sup>1</sup> (Pl.'s Mot. to Stay, at ¶7.)

According to the parties, the Defendant made monthly payments on November 1, 2015, and December 1, 2015. (*Id.*) However, the Defendant made no payments on either January 1, 2016, or February 1, 2016.<sup>2</sup> The Defendant subsequently made those payments on February 15,

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<sup>1</sup> The January 21, 2014 *Order* found the Defendant in default, and assessed a judgment of \$156,112.16, along with legal interest thereon. The Court also entered an *Order* (Document 51) on May 22, 2015, assessing an additional \$4,527.45 in costs against the Defendant for the Plaintiff's fees, costs, and expenses in seeking to enforce the judgment.

<sup>2</sup> On January 5, 2016, the Court entered a *Memorandum Opinion and Order* (Document 59), granting in part the Plaintiff's *Second Motion for Contempt and Motion for Sanction* (Document 53), and assessing a daily fine of \$30,000 until such time as the Defendant fully complied with the terms of the Court's *Order* of May 22, 2015. The Court denied the Plaintiff's *Motion for Imprisonment of Officers and Directors*.


2016. (*Id.* at ¶8.) Based on those recent payments, the parties agreed to move the Court to stay the present action. (*Id.*)

After careful consideration, the Court **ORDERS** that the *Joint Motion to Stay Action* (Document 62) be **GRANTED** and that all claims and judgments against the Defendant, Justice Energy Company, Inc., be **STAYED** pending the Defendant's completion of the payment plan on or before April 1, 2016. The Court **ORDERS** that the Plaintiff advise the Clerk of Court of the status of the Defendant's compliance with the payment plan on March 1, 2016, and April 1, 2016.

The Court further **ORDERS** that the ongoing fine of \$30,000 per day against the Defendant for civil contempt, assessed pursuant to the Court's *Memorandum Opinion and Order* of January 5, 2016, be **STAYED** pending the Defendant's compliance with the payment plan, but **REINSTATED** without further order of the Court if the Defendant fails to comply with the terms of the payment plan. Finally, the Court **ORDERS** that judgment be entered against the Defendant, Justice Energy Company, Inc., in favor of the Plaintiff, James River Equipment, Virginia, LLC, for the total amount of the fine from the entry of the Court's *Memorandum Opinion and Order* on January 5, 2016, through February 15, 2016.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: February 25, 2016

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA